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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

January 28, 2019

System No. 1010039

David McIntyre, Manager
Caruthers Community Services District
P.O. Box 218
Caruthers, CA 93609

COMPLIANCE ORDER NO. 03-23-19R-001
1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Compliance Order No. 03-23-19R-001 (hereinafter "Order") issued to the Caruthers Community Services District (hereinafter "Water System") public water system. **Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.**

The Caruthers Community Services District will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 2 hours on enforcement activities associated with this violation.

The Caruthers Community Services District will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Caruthers Community Services District for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision.

If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Rakel Hairabedian of my staff at 559 - 447-3394 or me at 559-447-3300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JAR', is written over the typed name.

José A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 3159 9623

JAR/rah
Enclosures
cc: Fresno County Division of Environmental Health

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Caruthers Community Services District

Water System No: 1010039

Attention: David McIntyre, Manager
Caruthers Community Services District
Caruthers, CA 93609

Issued: January 28, 2019

COMPLIANCE ORDER FOR NONCOMPLIANCE
1,2,3-TCP MAXIMUM CONTAMINANT LEVEL VIOLATION
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444
Fourth Quarter 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Compliance Order No. 03-23-19R-001 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Caruthers Community Services District (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444 Maximum Contaminant Levels (hereinafter "MCL") – Organic Chemicals.

Applicable statutes and regulations can be found at:

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/lawbook.html

STATEMENT OF FACTS

The Water System is classified as a community public water system with a population of 2,503 persons served through 696 service connections. The Caruthers Community Services District operates under Domestic Water Supply Permit No. 87-002 issued by the State Water Board on January 29, 1987. The Water System utilizes 2 groundwater wells as its source of domestic water: Well 05 and Well 06, and one standby well (Well 03).

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

The State Water Board received laboratory a result for one 1,2,3-TCP sample collected in the third quarter on July 16, 2018, and the fourth quarter on October 22, 2018 from Well 05. The 1,2,3-TCP concentration for third quarter is 0.000017 mg/L and the fourth quarter result is 0.000010 mg/L. A summary of the Water System's most recent 1,2,3-TCP monitoring results are presented in Table 1 below:

Table 1 –1,2,3-TCP Sample Results (mg/L)

(1,2,3-TCP MCL is 0.000005 mg/L)

Compliance Period	Sample Date	Result	Average
Well 05			
2018 1st Quarter	01/15/2018	ND	-
2018 2 nd Quarter	04/10/2018	ND	
2018 3 rd Quarter	07/16/2018	0.000017	-
2018 4 th Quarter	10/22/2018	0.000010	-
Running Annual Average (RAA)			0.000007

* If any one sample or average of samples would cause the four quarter average (annual average) to exceed the MCL, the water system is immediately in violation.

DETERMINATION

CCR, Title 22, Section 64444, Maximum Contaminant Levels – Organic Chemicals states that public water systems shall comply with the primary MCLs established in table 64444-A. The MCL for 1,2,3-TCP is 0.000005 mg/L.

CCR, Title 22, Section 64445.1(c)(5)(C) Repeat Monitoring and Compliance – Organic Chemicals states that if any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

One 1,2,3-TCP sample collected on July 16, 2018, and one collected on October 22, 2018 from the Well 05 showed a running annual average of 1,2,3-TCP concentration of 0.000007 mg/L. Therefore, the State Water Board has determined that the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444 during the fourth quarter of 2018.

Furthermore, this Order will extend to the Water System's additional sources in the event that a compliance determination is made by the State Water Board that the Water System fails to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, the Water System is hereby directed to take the following actions:

1. On or before **February 28, 2022**, comply with CCR, Title 22, Section 64444.
2. Quarterly sampling for 1,2,3-TCP from the Well 05 shall begin with the **first quarter of 2019** and shall continue every three months thereafter. The Water System shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board approved method no later than the 10th day following the month in which the analysis was completed.
3. Quarterly sampling for 1,2,3-TCP from the Well 06 shall continue until four quarters of monitoring have been completed or a compliance determination is made by the State Water Board that the 1,2,3-TCP MCL is in violation.
4. By **February 15, 2019**, public notification to the customers of the Water System shall be conducted and shall continue every three months until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and 64465. Appendix 1: Notification Template shall be used to fulfill this directive, unless otherwise approved by the State Water Board.

- 1 5. Complete Appendix 2: Certification of Completion of Notification Form. Submit it together
2 with a copy of the public notification conducted in compliance with the public notification
3 requirement listed above to the State Water Board within 10 days following each
4 notification.
5
- 6 6. Prepare for State Water Board approval, a Corrective Action Plan, identifying
7 improvements to the water system designed to correct the water quality problems
8 identified as an exceedance of the 1,2,3-TCP MCL and ensure that the Water System
9 delivers water to consumers that meets primary drinking water standards. The plan shall
10 include a time schedule for completion of each of the phases of the project such as
11 design, construction, and startup, and a date as of which the Water System will be in
12 compliance with the 1,2,3-TCP MCL, which date shall be no later than **February 28,**
13 **2022.**
14
- 15 7. On or before **April 30, 2019**, submit and present the Corrective Action Plan required
16 under Directive No. 6 above, to the State Water Board's office located at 265 West Bullard
17 Avenue, Suite 101, Fresno, CA 93704.
18
- 19 8. Perform the State Water Board approved Corrective Action Plan, and each and every
20 element of said plan, according to the time schedule set forth therein.
21
- 22 9. On or before **July 1, 2019**, and every three months thereafter, submit a report to the State
23 Water Board in the form provided as Appendix 3 showing actions taken during the
24 previous quarter (calendar three months) to comply with the Corrective Action Plan.
25
- 26 10. This Order and its directives shall become effective for any additional Water System
27 source(s) in the event that the State Water Board determines that other sources are in
28 violation of the 1,2,3-TCP MCL. The Water System should take into account that the

likelihood of this occurring is highly possible and include any additional sources in the Corrective Action Plan with an appropriate timeline.

11. Not later than ten (10) days following **February 28, 2022**, demonstrate to the State Water Board that the water delivered by the Water System complies with the 1,2,3-TCP MCL.

12. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Water System anticipates it will not timely meet such performance deadline.

13. By **February 10, 2019**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Order as Appendix 5. Completion of this form confirms that the Water System has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals, with exception of analytical results, required by this Order shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Order shall include the following information: Water System name and number, compliance order number and title of the document being submitted.

José A. Robledo, P.E., Senior Water Resource Control Engineer
State Water Resources Control Board
Division of Drinking Water, Fresno District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist23@waterboards.ca.gov

1 The State Water Board reserves the right to make modifications to this Order as it may deem
2 necessary to protect public health and safety. Such modifications may be issued as
3 amendments to this Order and shall be effective upon issuance.

4
5 Nothing in this Order relieves the Water System of its obligation to meet the requirements of the
6 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270),
7 or any regulation, standard, permit or order issued or adopted thereunder.

8 9 **PARTIES BOUND**

10 This Order shall apply to and be binding upon the Water System, its owners, shareholders,
11 officers, directors, agents, employees, contractors, successors, and assignees.

12 13 **SEVERABILITY**

14 The directives of this Order are severable, and the Water System shall comply with each and
15 every provision thereof notwithstanding the effectiveness of any provision.

16 17 **FURTHER ENFORCEMENT ACTION**

18 The California SDWA authorizes the State Water Board to: issue a citation or order with
19 assessment of administrative penalties to a public water system for violation or continued
20 violation of the requirements of the California SDWA or any regulation, permit, standard, citation,
21 or order issued or adopted thereunder including, but not limited to, failure to correct a violation
22 identified in a citation or compliance order. The California SDWA also authorizes the State Water
23 Board to take action to suspend or revoke a permit that has been issued to a public water system
24 if the public water system has violated applicable law or regulations or has failed to comply with
25 an order of the State Water Board, and to petition the superior court to take various enforcement
26 measures against a public water system that has failed to comply with an order of the State
27 Water Board. The State Water Board does not waive any further enforcement action by issuance
28 of this Order.

Tricia A. Wathen

January 28, 2019
Date

Tricia A. Wathen, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water



Appendices 4:

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt

Certified Mail No. 7018 0040 0000 3159 9623

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda traducir.

Caruthers Community Services District Has levels of 1,2,3-TCP Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on _____ [Insert date(s) or month, year] show that our system exceeds the standard, or maximum contaminant level (MCL), for 1,2,3-trichloropropane (1,2,3-TCP). The standard for 1,2,3-TCP is 0.000005 mg/L (milligrams per liter) which is equivalent to 0.005 ug/L (micrograms per liter). The average level of 1,2,3-TCP over the last year was _____ mg/L OR _____ ug/L.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

What happened? What is being done? _____

[Describe corrective action] _____

We anticipate resolving the problem within [estimated time frame] _____.

For more information, please contact:

[Name of Contact] _____

[Phone Number] or _____

[Mailing Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Caruthers CSD in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 1010039.

Date distributed: _____

APPENDIX 2
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 03-23-19R-001

Name of Water System: Caruthers Community Services District

System Number: 1010039

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to dwpdist23@waterboards.ca.gov for the Division of Drinking Water, Fresno District 23, 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704 serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **1,2,3-TCP MCL** was conducted on:

Notification was made on _____ (date).

For the _____ [Insert month or quarter and year].

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment

APPENDIX 3: QUARTERLY PROGRESS REPORT

Water System: Caruthers Community Services District	Water System No: 1010039
Compliance Order No: 03-23-19R-001	Violation: 1,2,3-TCP MCL
Calendar Quarter:	Date:

This form should be prepared and signed by Caruthers Community Services District personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District 23 Office to the following email address: dwpdist23@waterboards.ca.gov titled appropriately.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipated compliance date:

--

Printed Name _____

Signature

Title

Date _____

APPENDIX 4 – NOTIFICATION OF RECEIPT

Compliance Order Number: 03-23-19R-001

Name of Water System: Caruthers Community Services District

System Number: 1010039

Certification

I certify that I am an authorized representative of the Caruthers Community Services District and that Compliance Order No. 03-23-19R-001 was received on _____. Further I certify that the Order has been reviewed by the appropriate management staff of the Caruthers Community Services District and it is clearly understood that Compliance Order No. 03-23-19R-001 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN March 10, 2019</p>

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.